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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
Servin v. Takeda Pharmaceuticals
North America, Inc., et al
Civil Action No. 6:12-cv-00788

MAGISTRATE JUDGE HANNA

RULING

Magistrate Judge Patrick Hanna filed a Report and Recommendation [Rec. Doc. 246; MDL Rec. Doc. 6641] in the captioned matter on November 28, 2016, in which he recommended that this Court dismiss the claims of plaintiff Francisco Servin without prejudice, due to the plaintiff's failures to prosecute his case and comply with the rules of this Court. For the reasons given below, this Court adopts the Report and Recommendation and dismisses the plaintiff's claims without prejudice.

As set out in the Report and Recommendation, Mr. Servin is currently unrepresented. While he was still represented, Mr. Servin's former counsel filed a motion to withdraw [Rec. Doc. 232]. In response, Magistrate Judge Hanna ordered Mr. Servin to appear in court on February 23, 2016 [Rec. Doc. 233], which he did not do [Rec. Doc. 234]. The motion to withdraw was granted, and Magistrate Judge Hanna ordered Mr. Servin to appear in court on March 16, 2016 [Rec. Docs. 234, 235]. A copy of the order to appear was sent to Mr. Servin by certified mail, but was returned unclaimed [Rec. Doc. 239]. Mr. Servin did not appear on March 16, 2016 [Rec. Doc. 240] and was ordered to appear on April 26, 2016 [Rec. Doc. 237]. Once again, the order was sent by certified mail to Mr. Servin's last known address, but was returned unclaimed [Rec. Doc. 241],

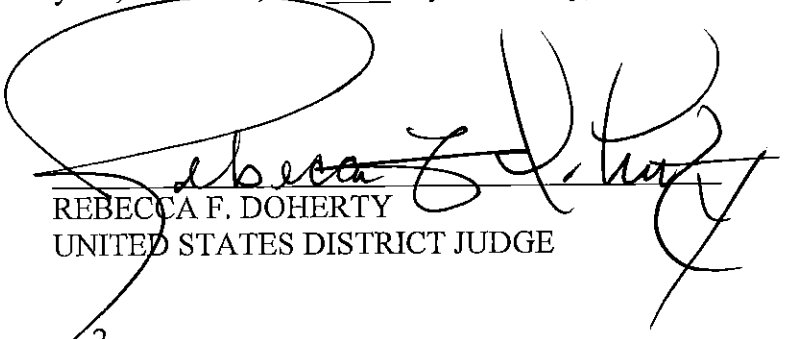
and Mr. Servin did not appear on April 26, 2016. No attorney has enrolled for Mr. Servin since the withdrawal of his previous counsel, and that previous counsel has indicated an inability to contact Mr. Servin [Rec. Doc. 245]. Given the inability to reach Mr. Servin, and the lack of forward progress in this matter, Magistrate Judge Hanna concluded that Mr. Servin has not kept the court apprised of his current address, as required by Local Rule 11.1(1), and has failed to prosecute his claims. Magistrate Judge Hanna therefore issued a Report and Recommendation, recommending that this Court dismiss this matter without prejudice [Rec. Doc. 246; MDL Rec. Doc. 6641]. That Report and Recommendation was, similarly, sent by certified mail and returned unclaimed [Rec. Doc. 248].

Considering the facts described above, that the court attempted to serve Mr. Servin at the address on file, that parties have an ongoing obligation to maintain current contact information with this Court, and that no objections to the Report and Recommendation have been lodged in the time allotted therefor, this Court hereby adopts Magistrate Judge Hanna's Report and Recommendation.

IT IS HEREBY ORDERED the claims of Francisco Servin are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Mr. Servin at his last known address, 42282 Boardwalk Ave., Hammond, LA 70403, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 13 day of January, 2017.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE